



Appl. No. 10/051,723
Atty. Docket No. 8487M
Comments dated 09/30/2004
Comments on "Response to Rule 312 Communication"
Customer No. 27752

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/051,723
Applicant(s) : Isao Noda et al.
Filed : January 17, 2002
Title : Fibers Comprising Polyhydroxyalkanoate
Copolymer/Polylactic Acid Polymer Or Copolymer
Blends
TC/A.U. : 1712
Examiner : Jeffrey Robertson
Conf. No. : 8629
Docket No. : 8487M
Customer No. : 27752

COMMENTS ON "RESPONSE TO RULE 312 COMMUNICATION"

Mail Stop ISSUE FEE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

These comments concern the Examiner's "Response to Rule 312 Communication," which was mailed on September 19, 2004 (copy enclosed). Upon review, Applicants have found that the amendments made to Claims 1 and 11 further limiting the second monomer unit to include an R2 that is a C3-C9 alkyl or alkenyl (instead of an R2 that is a C3-C19 alkyl or alkenyl) were specifically intended in the "Amendment After Final Office Action" made on December 8, 2003.

Applicants request that the present comments concerning the Examiner's "Response to Rule 312 Communication" be made of record in the Application file.

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Respectfully submitted,

Isao Noda, et al.

By 

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September 30, 2004
Customer No. 27752

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Response to Rule 312 Communication	Application No.	Applicant(s)	
	10/051,723	NODA ET AL.	
	Examiner	Art Unit	
	Jeffrey B. Robertson	1712	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

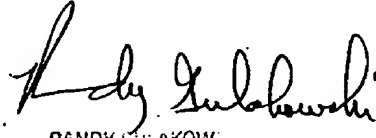
1. ☒ The amendment filed on 31 August 2004 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

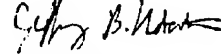
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

Although applicant contends that the proposed amendment is purely to correct typographical errors, the amendment effects the scope of the claims because the number of carbons of the R2 group has been changed from C3-C9 to C3-C19. The reason that this amendment has been disapproved is because proposed amended claims 1 and 11 contain the same subject matter as allowed claims 21 and 22. Since claim 1 is in the form of a fiber and claim 11 is expressed as a fiber, there would be no difference between these claims were the amendment to be entered.


RANDY GULAKOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

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Jeffrey B. Robertson
Primary Examiner
Art Unit: 1712